



**Building and Fire Code Board of Appeals
APPROVED Minutes**

**Board Meeting
May 29, 2019**

The Building and Fire Code Board of Appeals convened in a Special Called Meeting on May 29, 2019 at the One Texas Center, Conference Room 500, 5th Floor

Vice Frank Haught called the meeting to order at 11:30 a.m.

Board Members in Attendance: Ben Abzug, Frank Haught, Alicia Jones, Pieter Sybesma, Alan Schumann, James Wilsford, Timothy Arndt and Bobby Johns

Board Members Not in Attendance: Aubrey Brasfield and Matt Hart

Staff in Attendance: Rick Arzola (DSD), Richard Anderson (DSD), Beth Culver (DSD), Tom Vocke (AFD) and Matthew Noriega (ACC)

1. CITIZEN COMMUNICATION: None

2. APPROVAL OF MINUTES: The February 27, 2019 minutes were approved as written by Board member Sybesma motion second by Wilsford for a 7-0 vote. Bobby Johns was a late arrival and did not participate in the vote.

3. DISCUSSION AND/OR POSSIBLE ACTION

a. Appeal Hearing- 1701 Toomey Road: Appellant Stuart Hersh met with the Building and Fire Boards to appeal a decision by the Director and Building Official with Development Services Department on the suspension and or revoke of the Certificate of Occupancies at 1701 Toomey Road. Mr. Hersch is asking for the Development Service Department to rescind and not to revoke the suspensions and to refrain from posting “Do Not Enter” signs and cutting off utilities to the establishment until all appeal hearings have been heard.

On February 27, 2019, Development Services Department sent a certified letter to Eduardo Longoria, President of the Shambala Corporation, and giving notice of intent to suspend the Certificate of Occupancy for the school cafeteria for the lack of operable fire sprinklers. DSD included that to avoid suspensions, the applicant will need to make and submit an application to obtain a building permit for the installation of the fire sprinklers inside the school cafeteria. It will be required to pass all necessary inspections from DSD and Austin fire that relates to the installation of the fire sprinklers inside the cafeteria and to complete construction of fire line with all required inspections for plumbing permit 2019-000680.

On March 28, 2019, Development Services issued a second certified letter to Mr Longoria notifying him of additional “other unresolved compliance issues” that were not related to the fire sprinkler system. Those other issues included a Certificate of Occupancy requirement for restaurant use, personal improvement service and the conference facilities and a building permit requirement for work without permit for a covered entrance. Also a Site plan is required for a change of use to the school cafeteria building, education facility and Off Street Parking Facility, as it was not provided for in the current land use.

Then on May 2, 2019, Building Official Beth Culver issued a third certified letter to Mr. Longoria that a suspension of Certificate of Occupancy/Notice to revoke the Certificate of Occupancy for the school cafeteria would take place if the corrections from the February 27 certified letter was not

corrected by June 1, 2019. After the June 1st date, the certificate of occupancy will be revoked and utility connections could be disconnected.

Interim Director of Development Service Department, Denise Lucas upheld the decision by the City of Austin Building Official by sending a Memorandum to Eduardo Longoria thru certified mail on May 10, 2019. Due to “life safety issues which create a hazard for this building, adjacent structures, occupants and emergency responders” were her reasoning’s for supporting the Building Official decision.

Mr. Hersh addressed the board indicating he had requested approval of sprinkler plans and a temporary building permit for installation and connection of the sprinkler system. Also added the Commercial Building Plans were approved by DSD on April 1, 2019 , Fire Department approval on April 2, 2019 and Commercial Zoning review were approved on March 25, 2019, however no temporary building permit was ever issued due to plumbing review. But sustain that a plumbing permit was approved for fire line on January 3, 2019. Also in his testament, Mr. Hersh included that a proposed fire tap to an existing 12 inch water line was approved on December 18, 2018 along with required engineer and asbestos reports that were submitted and accepted. Mr Hersh is requesting the reversal of the suspension of the certificate of occupancies and placed on the July 2019 agenda if all sprinklers connections are not completed and approved by then.

After back and forth discussions between Development Services Department staff, the Appellant of Casa de Luz, Stuart Hersh and the Building and Fire Code of Appeals members, Chairman of the board Frank Haught ruled that no action on the appeal will take place as board members did not make a vote to uphold or deny DSD request of the suspension/revoke of the Certificate of Occupancy of Casa de Luz.

b. Nominations of Chair and Vice Chair: Ben Abzug made a motion to nominate Alan Schumann as Chair, Board member Haught second the motion. Motion pass 8-0.

Bobby Johns made a motion to nominate Aubrey Brasfield as Vice Chair, Board member Schumann second the motion, motion pass 8-0.

c. Audio Files- DSD staffs informs the board that all audio files from January 1st, 2019 will now be uploaded to the Boards and Commission website for public hearing. Due to recent public information request, City Clerk office has approved that all boards now upload all audio files from this year.

- 4. ADJOURN** – Board member Schumann made the motion to adjourn the meeting at 12:42 p.m. Board member Haught seconded the motion. Motion passed 8-0.